



HISTORIC LANDMARKS COMMISSION HEARING AGENDA

WEDNESDAY, JUNE 4, 2008

SYNOPSIS

HLC Workplan Study Session

5:00 P.M.

Room T-334

Regular Session

6:00 P.M.

Council Wing, Rooms W-118 & W-119

200 East Santa Clara Street

San José, CA

COMMISSION MEMBERS

EDWARD JANKE, AIA, CHAIR

PATRICIA COLOMBE, VICE CHAIR

HELENE LAVELLE

SCOTT CUNNINGHAM

DANA PEAK

JUDY STABILE

ERIC THACKER

JOSEPH HORWEDEL, DIRECTOR

DEPARTMENT OF PLANNING, BUILDING AND CODE ENFORCEMENT

NOTE

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, we ask that you call (408) 535-7800 (VOICE) or (408) 998-5299 (TTY) at least two business days before the meeting. If you have questions or concerns, please contact Carmen Stanley at (408) 535-7856.

NOTICE TO THE PUBLIC

Good evening, my name is **Ed Janke**, and I am the Chair of the Historic Landmarks Commission. On behalf of the Commission, I would like to welcome you to tonight's meeting. I will now call to order the **June 4, 2008** meeting of the Historic Landmarks Commission. Please remember to turn off your cell phones and pagers.

If you want to address the Commission, **fill out a speaker card (located at the technician's station), and give the completed card to the technician. Please include the agenda item number for reference.**

The procedure for public hearings is as follows:

- After the staff report, *applicants may make a five-minute presentation.*
- Anyone wishing to speak in favor of the proposal should prepare to come forward. After the proponents speak, anyone wishing to speak in opposition should prepare to come forward. *Each speaker will have two minutes.*
- Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- The Commission will then close the public hearing.
- *The Historic Landmarks Commission will take action on the item.*

The procedure for referrals is as follows:

- Anyone wishing to speak on a referral should prepare to come forward. *Each speaker will have two minutes.*
- Commissioners may ask questions of the speakers. These questions will not reduce the speaker's time allowance.
- *The Historic Landmarks Commission will comment on the referral item.*

If a Commissioner would like a topic to be addressed under one of the Good and Welfare items, please contact Planning staff in advance of the Commission meeting.

An agenda and a copy of all staff reports have been placed on the table for your convenience.

AGENDA
ORDER OF BUSINESS
6:00 P.M. SESSION

1. ROLL CALL

Commissioner Colombe absent

2. DEFERRALS

Any item scheduled for hearing this evening for which deferral is being requested will be taken out of order to be heard first on the matter of deferral. If you want to change any of the deferral dates recommended or speak to the question of deferring these or any other items, you should say so at this time.

No items for deferral

The matter of deferrals is now closed

3. CONSENT CALENDAR

NOTICE TO THE PUBLIC

The consent calendar items are considered to be routine and will be adopted by one motion. There will be no separate discussion of these items unless a request is made by a member of the Historic Landmarks Commission, staff or the public to have an item removed from the consent calendar and considered separately. If anyone in the audience wishes to speak on one of these items, please make your request at this time.

No items on consent

The Consent Calendar is now closed.

4. PUBLIC HEARINGS

Item #5.b (Diridon-area demolitions taken out of order and heard first; see discussion summary below)

HISTORIC PRESERVATION PERMITS

None

HISTORIC LANDMARK DESIGNATIONS

None

MILLS ACT HISTORICAL PROPERTY CONTRACTS

None

HISTORIC RESOURCES INVENTORY MAINTENANCE

- a. **The Addition of a Qualifying Property to the City of San José Historic Resources Inventory.** The addition of the residence located at **55 N. Eleventh St.** to the City of San José Historic Resources Inventory. Owner: Lam. Council District: 3. SNI: 13th Street. CEQA: Not a project. *Project Manager, Licinia McMorro*

STAFF RECOMMENDATION: Historic Landmarks Commission to adopt a resolution to recommend listing the qualifying property on the Historic Resources Inventory as a Structure of Merit.

The property owner, Brian Boguess, spoke against the HRI listing on the basis that:

- *The house is not architecturally significant and has been too heavily modified over the years to be able to adequately identify its original style/character for renovation purposes*
- *Tommie Smith's connection to this house is not strong, and his legacy has already been honored elsewhere*

HLC discussion centered on Olympic athlete Tommie Smith's significance as a historical personage, and the extent to which it results in significance of this house on the basis of its connections with Mr. Smith. Planning staff noted that Mr. Smith lived in the house at the time of his gold medal win and iconic political statement at the 1968 Olympics.

MOTION TO ADOPT STAFF RECOMMENDATION (5-1-1, CUNNINGHAM OPPOSED, COLOMBE ABSENT).

- b. **The Addition of a Qualifying Property to the City of San José Historic Resources Inventory.** The addition of the commercial building located at **498-499 N. Eleventh St.** to the City of San José Historic Resources Inventory. Owner: Susan Kang Kook, Trustee et al. Council District: 3. SNI: 13th Street. CEQA: Not a project. *Project Manager, Ella Samonsky.*

STAFF RECOMMENDATION: Historic Landmarks Commission to adopt a resolution to recommend listing the qualifying property on the Historic Resources Inventory as a Structure of Merit.

Sal Caruso, on behalf of the applicant for the conditional use permit currently proposed on the site for a private school, spoke in favor of both the HRI listing and the project. Planning staff clarified that only the HRI listing is currently before the Commission. The issue of the use permit will be considered by the Planning Commission at a future public hearing.

MOTION TO ADOPT STAFF RECOMMENDATION (6-0-1, COLOMBE ABSENT).

- c. **Proposed Removal of Non-Qualifying Properties from the City of San José Historic Resources Inventory.** Owner-initiated request to de-list the single-family houses located at 559, 563, and 567 W. Julian Ave. from the Historic Resources Inventory. Owner: Donna Speiser Fazekas. Council District: 3. SNI: None. CEQA: Not a project. *Project Manager, Darren McBain*

STAFF RECOMMENDATION: Historic Landmarks Commission to adopt a resolution to recommend removal of the non-qualifying properties located at **559 and 567 W. Julian Ave.** from the Historic Resources Inventory. No change recommended to the existing listing for 563 W. Julian Ave.

Planning staff summarized the information in the staff report supporting the recommendation that the house at 563 W. Julian qualified for listing on the Inventory as a Structure of Merit. This recommendation was on the basis of the historic report that assigned a numerical rating of 32.76 points. Staff noted that this score, indicated that based on the information provided in the historic evaluation, the house effectively met the minimum qualifications for inclusion on the Inventory.

The property owners, Dave Fazekas and Donna Speiser Fazekas excoriated the listing of their property on the HRI and argued that they had been told that inclusion on the HRI indicated that no future changes would be possible on the property. Commissioner Stabile expressed opposition to keeping 563 W. Julian on the HRI, but interest in identifying a mechanism to pursue relocation or architectural salvage in the event of a future proposed demolition of the building. Commissioner Peak stated that rounding of scores to the nearest whole number should be done consistently across all evaluations. Chairman Janke voiced his opinion that numerical rounding should not be the future protocol. In response to a question from Commissioner Thacker, Planning staff noted that being listed on the HRI does not preclude a property from being altered/demolished or result in need for an EIR for such changes.

MOTION TO RECOMMEND THAT ALL THREE PROPERTIES BE REMOVED FROM THE H.R.I. (4-2-1, THACKER AND PEAK OPPOSED, COLOMBE ABSENT).

5. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS, OR OTHER AGENCIES

- a. [San José Medical Center Demolition](#). DEIR for the proposed demolition of the SAN JOSÉ MEDICAL CENTER, located at 675 EAST SANTA CLARA STREET, SAN JOSÉ, CALIFORNIA (PD07-008). The project includes the demolition of ten buildings, totaling approximately 337,200 square feet, of the San José Medical Center with the exception of an approximately 7,200 square foot portion of IBM Building 800. (San José Hospital, LP, owner/HCA Inc., applicant). Council District: 3. SNI: 13TH Street. *Project Manager, Rachel Roberts*

STAFF RECOMMENDATION: Historic Landmarks Commission to provide comment and authorize the HLC Chair to sign a DEIR comment letter on behalf of the Commission, to the Director of Planning, Building and Code Enforcement.

Because the Commission as a whole was not prepared to comment on the DEIR and declined to hold a special meeting to comment, they agreed that Commissioners who wish to do so will submit individual comment letters during the filing period, which ends on July 21, 2008.

Commissioner Stabile stated that the Commission should recommend the addition of the IBM Building 800 to the National Register. As noted in Item 7.b below, consideration of the addition of the building to the Inventory will be placed on the August HLC agenda.

- b. **Proposed Building Demolition in the Diridon Arena/Area.** Commission request to draft a comment letter to the Redevelopment Agency Board regarding the proposed demolition of Structures of Merit identified in the “Baseball Stadium in the Diridon/Arena Area” DEIR to accommodate future development of the sites.

Bill Ekern appeared on behalf of SJRA for the proposed project. Primary HLC discussion issues included:

- *Purpose of the proposed demolitions (Stabile). RDA response: Surface parking for the arena as an interim use, then sale of the land to a private developer*
- *Possible to relocate or salvage any of the individual buildings? (Peak). RDA response: They are open to offering the single-family house for relocation; also architectural salvage of elements from the other buildings*
- *Timeline for development of a new permanent/long-term land use on the site; possibility of preserving any of the buildings and integrating them into the long-term project as an asset, rather than demolition for interim parking (Thacker). RDA response: Five-year timeframe is likely. The vision for the redevelopment of the site calls for more intensive land uses than the existing buildings could facilitate.*
- *150 S. Montgomery (“clinker” brick building) proposed for demolition or not? List of proposed demolitions has not been consistent on the disposition of this building (Stabile). SJRA response: 150 S. Montgomery is not proposed for demolition. A new tenant will occupy.*
- *Concern about the Ballpark EIR serving as a catalyst for en-masse demolition of these buildings by providing analysis and environmental clearance although the ballpark proposal is now inactive. Demolition of the buildings should be individually considered as separate actions. Grouping of the demolitions inappropriately lumps more- and less-significant buildings together into one decision, including some that scored relatively close to qualifying as Candidate City Landmark Structures and are locally important even if not eligible for the Cal. register (Cunningham, Janke, Stabile). One member of the public, Judi Henderson (on behalf of PACSJ) echoed this concern and spoke against the demolitions in light of no long-term land use project currently being proposed. Planning staff clarified that the EIR found that these particular buildings were not CEQA resources and would not require an EIR to demolish; the info in the EIR amounts to a survey of the nearby area.*
- *Concern about the timing of this information now being presented to HLC; how much time remains before demolition bids will be accepted? (Janke, Stabile, Lavelle). SJRA response: Demolition bids will not be solicited until late Summer; City Council approval is possible in Fall 2008. SJRA previously disclosed the possibility of these demolitions during the discussions of the “Stephen’s Meats” sign.*
- *Demolition of some historic buildings in an area compromised the integrity of the setting, inappropriately fueling justification for more demolitions (Thacker). The vacant buildings are vacant because RDA owns them, not because there are no prospective tenants; their vacancy is not a reasonable argument in support of demolition (Janke).*

MOTION TO AUTHORIZE THE CHAIR TO SIGN A LETTER ON BEHALF OF THE COMMISSION FORWARDING COMMENT TO CITY COUNCIL/AGENCY BOARD (6-0-1, COLOMBE ABSENT).

6. PETITIONS AND COMMUNICATIONS

- a. Public comments to the Historic Landmarks Commission on non-agendized items. Each member of the public may address the Commission for up to two minutes. The Commission cannot take any formal action without the item being properly noticed and placed on an agenda. In response to public comment, the Historic Landmarks Commission is limited to the following options:
 - 1) Responding to statements made or questions posed by members of the public; or
 - 2) Requesting city staff to report back on a matter at a subsequent meeting; or
 - 3) Requesting planning staff to place an item on a future agenda or work plan

Judi Henderson, representing PACSJ, inquired about that status of a new ordinance under discussion that would provide more protection for vacant historic buildings, in the wake of several recent fires. Planning staff stated that an update should be available in Fall 2008. Ms. Henderson also thanked departing Commissioners Cunningham and Stabile for their service to the community.

7. GOOD AND WELFARE

- a. Report from Secretary, Planning Commission, and City Council
 - 1) former MLK Main Library building City Landmark Nomination

Judi Henderson criticized the way in which the public process was handled leading up to and during the June 10 City Council hearing for this item. She expressed particular concern regarding the memos from the Director of Planning and the Executive Director of the Redevelopment Agency that rebutted much of the analysis in the report that was prepared by qualified historic consultants.

Several Commissioners, particularly Commissioners Peak, Thacker, and Janke, also expressed strong concern about the manner in which their analysis and recommendations on the proposed City Landmark nomination had been relayed to the Council. Many of the comments indicated that the memos from the Planning Director and SJRA minimized, and created the appearance of overruling the favorable conclusion that was reached by the majority of the HLC members on the basis of the evaluation by qualified consultants.

MOTION TO AUTHORIZE CHAIRMAN JANKE, VICE-CHAIR COLOMBE, AND COMMISSIONER PEAK TO ATTEND THE NEXT CITY COUNCIL HEARING ON THIS ITEM (6-0-1, COLOMBE ABSENT).

- 2) IBM Building 025

The Building Official authorized demolition of the charred remains of the building because they posed a threat to life safety, and the legal judgment (against the City and Lowe's) has been vacated.

- 3) August 6th HLC Officer and Committee Member elections

- b. Commissioners' report from Committees:
 - 1) Design Review Subcommittee (Janke, Colombe and Cunningham; Lavelle alternate)
[May 21, 2008 DRC Report](#)
REPORT ACCEPTED (6-0-1, COLOMBE ABSENT).
 - 2) History San José Collections Committee (Stabile)
 - 3) Coyote Valley Specific Plan and Habitat Conservation Plan Advisory Committee (Cunningham)
 - 4) Japantown Survey Committee (Lavelle)
Historic Context and Intensive Survey Acceptance
Monday, June 9th Community Meeting, Northside Community Center (488 N. 6th St.)
 - 5) Pellier Park Committee (Colombe)
Inactive
 - 6) City of San José BART extension, Design, Art & Architecture Review (Janke)
 - 7) GP Update Task Force Progress Report (Colombe and Thacker)
- c. [Review of 05/07/08 HLC Synopsis](#)
 - Final Draft to be forwarded to the Commission under separate cover -
- d. Status of Circulation of Environmental Review Documents
<http://www.sanJoseca.gov/planning/eir/>
 - Demolition of the San José Medical Center ADEIR
Anticipated addition of IBM Building 800 to the HRI in August 2008
- e. 2008 Study Session Dates and Topics
 - 1) February 6th – Planning Department Website Re-design
 - 2) March 5th – CEQA: How to Review an EIR
 - 3) April 2nd - Preservation in San José's Future
 - 4) June 4th – HLC Workplan Discussion
 - 5) Potential HLC Retreat Dates and Topics
- f. [Historic Preservation Month May 2008](#)

8. ADJOURNMENT

Chair Janke acknowledge departing Commissioners Cunningham and Stabile for their service to the community

2008 HISTORIC LANDMARKS COMMISSION MEETING SCHEDULE

| DATE | TIME | TYPE OF MEETING | LOCATION |
|--------------------|------------|----------------------------|---------------|
| January 9, 2008 | 12:00 p.m. | Design Review Subcommittee | Room T-550 |
| February 6, 2008 | 6:00 p.m. | Regular Meeting | Room W118-119 |
| February 20, 2008 | 12:00 p.m. | Design Review Subcommittee | Cancelled |
| March 5, 2008 | 6:00 p.m. | Regular Meeting | Room W118-119 |
| March 19, 2008 | 12:00 p.m. | Design Review Subcommittee | Room T-550 |
| April 2, 2008 | 6:00 p.m. | Regular Meeting | Room W118-119 |
| April 16, 2008 | 12:00 p.m. | Design Review Subcommittee | Room T-550 |
| May 7, 2008 | 6:00 p.m. | Regular Meeting | Room W118-119 |
| May 21, 2008 | 12:00 p.m. | Design Review Subcommittee | Room T-550 |
| June 4, 2008 | 6:00 p.m. | Regular Meeting | Room W118-119 |
| June 18, 2008 | 12:00 p.m. | Design Review Subcommittee | Room T-550 |
| August 6, 2008 | 6:00 p.m. | Regular Meeting | Room W118-119 |
| August 20, 2008 | 12:00 p.m. | Design Review Subcommittee | Room T-550 |
| September 3, 2008 | 6:00 p.m. | Regular Meeting | Room W118-119 |
| September 17, 2008 | 12:00 p.m. | Design Review Subcommittee | Room T-550 |
| October 1, 2008 | 6:00 p.m. | Regular Meeting | Room W118-119 |
| October 15, 2008 | 12:00 p.m. | Design Review Subcommittee | Room T-550 |
| November 5, 2008 | 6:00 p.m. | Regular Meeting | Room W118-119 |
| November 19, 2008 | 12:00 p.m. | Design Review Subcommittee | Room T-550 |
| December 3, 2008 | 6:00 p.m. | Regular Meeting | Room W118-119 |
| December 17, 2008 | 12:00 p.m. | Design Review Subcommittee | Room T-550 |

HISTORIC LANDMARKS AGENDA ON THE WEB:
<http://www.sanJoseca.gov/planning/hearings/historic.asp>

CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS

The Code of Conduct is intended to promote open meetings that welcome debate of public policy issues being discussed by the City Council, Redevelopment Agency Board, their Committees, and City Boards and Commissions in an atmosphere of fairness, courtesy, and respect for differing points of view.

1. Public Meeting Decorum:

- a) Persons in the audience will refrain from behavior which will disrupt the public meeting. This will include making loud noises, clapping, shouting, booing, hissing or engaging in any other activity in a manner that disturbs, disrupts or impedes the orderly conduct of the meeting.
- b) Persons in the audience will refrain from creating, provoking or participating in any type of disturbance involving unwelcome physical contact.
- c) Persons in the audience will refrain from using cellular phones and/or pagers while the meeting is in session.
- d) Appropriate attire, including shoes and shirts are required in the Council Chambers and Committee Rooms at all times.
- e) Persons in the audience will not place their feet on the seats in front of them.
- f) No food, drink (other than bottled water with a cap), or chewing gum will be allowed in the Council Chambers and Committee Rooms, except as otherwise pre-approved by City staff.
- g) All persons entering the Council Chambers and Committee Rooms, including their bags, purses, briefcases and similar belongings, may be subject to search for weapons and other dangerous materials.

2. Signs, Objects or Symbolic Material:

- a) Objects and symbolic materials, such as signs or banners, will be allowed in the Council Chambers and Committee Rooms, with the following restrictions:
 - No objects will be larger than 2 feet by 3 feet.
 - No sticks, posts, poles or other such items will be attached to the signs or other symbolic materials.
 - The items cannot create a building maintenance problem or a fire or safety hazard.
- b) Persons with objects and symbolic materials such as signs must remain seated when displaying them and must not raise the items above shoulder level, obstruct the view or passage of other attendees, or otherwise disturb the business of the meeting.
- c) Objects that are deemed a threat to persons at the meeting or the facility infrastructure are not allowed. City staff is authorized to remove items and/or individuals from the Council Chambers and Committee Rooms if a threat exists or is perceived to exist. Prohibited items include, but are not limited to: firearms (including replicas and antiques), toy guns, explosive material, and ammunition; knives and other edged weapons; illegal drugs and drug paraphernalia; laser pointers, scissors, razors, scalpels, box cutting knives, and other cutting tools; letter openers, corkscrews, can openers with points, knitting needles, and hooks; hairspray, pepper spray, and aerosol containers; tools; glass containers; and large backpacks and suitcases that contain items unrelated to the meeting.

CITY OF SAN JOSÉ CODE OF CONDUCT FOR PUBLIC MEETINGS IN THE COUNCIL CHAMBERS AND COMMITTEE ROOMS (CONT'D)

3. Addressing the Council, Redevelopment Agency Board, Committee, Board or Commission:

- a) Persons wishing to speak on an agenda item or during open forum are requested to complete a speaker card and submit the card to the City Clerk or other administrative staff at the meeting.
- b) Meeting attendees are usually given two (2) minutes to speak on any agenda item and/or during open forum; the time limit is in the discretion of the Chair of the meeting and may be limited when appropriate. Applicants and appellants in land use matters are usually given more time to speak.
- c) Speakers should discuss topics related to City business on the agenda, unless they are speaking during open forum.
- d) Speakers' comments should be addressed to the full body. Requests to engage the Mayor, Council Members, Board Members, Commissioners or Staff in conversation will not be honored. Abusive language is inappropriate.
- e) Speakers will not bring to the podium any items other than a prepared written statement, writing materials, or objects that have been inspected by security staff.
- f) If an individual wishes to submit written information, he or she may give it to the City Clerk or other administrative staff at the meeting.
- g) Speakers and any other members of the public will not approach the dais at any time without prior consent from the Chair of the meeting.

Failure to comply with this Code of Conduct which will disturb, disrupt or impede the orderly conduct of the meeting may result in removal from the meeting and/or possible arrest.